

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 09.11.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.1218 of 2016**

P.Velusamy

... Appellant/Petitioner

Vs.

1. Chitradevi

2. The Branch Manager,
The National Insurance Company Ltd,
Pudukkottai Branch,
T.S.No.4132, Keelaraja Veethi,
Pudukkottai District -622 001. ... Respondents/Respondents

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 30.04.2015 made in MCOP.No.589 of 2014 on the file of the Motor Accident Claims Tribunal cum Principal District Judge, Pudukkottai.

For Appellant : Mr.P.Ganapathi Subramanian

For Respondents : Mr.A.S.Mathialagan for R2
R1 - Dispensed with.

JUDGMENT

The claimant has filed this appeal seeking enhancement of the award dated 30.04.2015 made in MCOP.No.589 of 2014 on the file of the Motor Accident Claims Tribunal cum Principal District Judge, Pudukkottai.

2.The claimant was working as a Mason. He has suffered fractures in both legs in the accident that took place on 21.06.2014. The disability was assessed at 55% and it is partial and permanent in nature. The claimant had incurred expenditure to the tune of Rs.3,84,007/- for medical treatment alone. But the Tribunal awarded a sum of Rs.8,19,007/- as compensation. The Tribunal did not award any sum towards damage to the two wheeler in which he was riding. No damage was awarded under the head attender charges and other conventional heads also. The compensation awarded to the claimant is not adequate.



3.The learned counsel for the claimant would contend that this is a case of functional disability and that therefore multiplier method must be adopted. The claimant was an inpatient for 57 days. Even after getting treatment, he would still need medical assistance. Therefore, I am of the view that towards future medical expenditure, a sum of Rs.55,000/- can be awarded. A sum of Rs.75,000/- can be awarded towards attender charges. Thus, a further sum of Rs.1,30,000/- is awarded. The compensation payable to the claimant is enhanced from Rs.8,19,007/- to Rs.9,49,007/-.

4.The award dated 30.04.2015 made in MCOP.No.589 of 2014 on the file of the Motor Accident Claims Tribunal cum Principal District Judge, Pudukkottai is modified. This Civil Miscellaneous Appeal is allowed in part.

5.The second respondent insurance company is directed to deposit a sum of Rs.9,49,007/- with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited if any. On such deposit, the claimant is permitted to withdraw the entire compensation, less the amount already withdrawn by him, if any by filing proper application before the Tribunal.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge /
Motor Vehicles Accident Claims Tribunal,
Pudukkottai.

COPY TO

The Record Keeper, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No.87164
+1cc to Mr.A.S.Mathialagan, Advocate Sr.No.86344

SKM

VB/SV/MMS/SAR4/23/01/2018/2P/6C

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